

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

|  |                             |
|--|-----------------------------|
| To:  | Behandeld door: <b>P130</b> |
| N.V. ORGANON<br>Attn. Van Wezenbeek, P.M.G.<br>P.O. Box 20<br>NL-5340 BH Oss<br>PAYS-BAS | Bericht d.d.<br>aan:        |
| 22 APR 2008  |                             |
| Adm. opgenomen <b>PV/AW</b><br>Beantw. d.d. <b>A</b><br>Afleggen <b>A</b>                |                             |

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1) TK

23/04/2008

|  |   |
|--|---|
| Applicant's or agent's file reference<br><br>2007.002 WO | FOR FURTHER ACTION      See paragraphs 1 and 4 below            |
| International application No.<br><br>PCT/EP2008/052141   | International filing date<br>(day/month/year)<br><br>21/02/2008 |
| Applicant<br><br>N.V. ORGANON                            |   |

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report. TK

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

**For more detailed instructions,** see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

|   |  |
|---|--|
| Name and mailing address of the International Searching Authority<br><br><br>European Patent Office, P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk<br>Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,<br>Fax: (+31-70) 340-3016 | Authorized officer<br><br>Chantal Gottar |
|---|--|

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed; see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |  |   |
|--|--|---|
| Applicant's or agent's file reference<br><br>2007.002 WO | <b>FOR FURTHER ACTION</b><br>see Form PCT/ISA/220<br>as well as, where applicable, item 5 below. |   |
| International application No.<br><br>PCT/EP2008/052141   | International filing date (day/month/year)<br><br>21/02/2008                                     | (Earliest) Priority Date (day/month/year)<br><br>22/02/2007 |
| Applicant<br><br>N.V. ORGANON                            |  |   |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b.  This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  Certain claims were found unsearchable (See Box No. II)

3.  Unity of invention is lacking (see Box No III)

4. With regard to the title,

the text is approved as submitted by the applicant  
 the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant  
 the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_  
 as suggested by the applicant  
 as selected by this Authority, because the applicant failed to suggest a figure  
 as selected by this Authority, because this figure better characterizes the invention

b.  none of the figures is to be published with the abstract

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/EP2008/052141

A. CLASSIFICATION OF SUBJECT MATTER  
INV. C07D413/04 C07D417/04 A61K31/425 A61K31/433 A61K31/4245  
A61P29/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, BEILSTEIN Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No. |
|-----------|---|-----------------------|
| X         | WO 2005/089754 A (AKZO NOBEL NV [NL]; ADAM-WORRALL JULIA [GB]; MORRISON ANGUS JOHN [GB];) 29 September 2005 (2005-09-29)<br>cited in the application<br>examples 2g,14b,15b,38,39 | 1-11                  |
| A         | WO 02/36590 A (AMRAD OPERATIONS PTY LTD [AU]; MOLONEY PETER GERARD [AU]; ROBERTSON AL) 10 May 2002 (2002-05-10)<br>cited in the application<br>claims 1,14; example 3             | 1-11                  |
| P,A       | WO 2007/023143 A (AKZO NOBEL NV [NL]; RATCLIFFE PAUL DAVID [GB]; ADAM-WORRALL JULIA [GB]) 1 March 2007 (2007-03-01)<br>claims 1,10  | 1-11                  |



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority, claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

3 April 2008

Date of mailing of the international search report

23/04/2008

Name and mailing address of the ISA/  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Bakboord, Joan

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

**Continuation of Box II.1**

Although claim 11 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compounds.

## INTERNATIONAL SEARCH REPORT

### Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 11 because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
2.  Claims Nos.: because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No

PCT/EP2008/052141

| Patent document cited in search report |   | Publication date |    | Patent family member(s) |  | Publication date |
|--|---|------------------|----|-------------------------|--|------------------|
| WO 2005089754                          | A | 29-09-2005       | AT | 384525 T                |  | 15-02-2008       |
|  |   |                  | AU | 2005224041 A1           |  | 29-09-2005       |
|  |   |                  | BR | PI0508404 A             |  | 17-07-2007       |
|  |   |                  | CA | 2557054 A1              |  | 29-09-2005       |
|  |   |                  | HR | 20060288 A2             |  | 30-11-2006       |
|  |   |                  | JP | 2007526281 T            |  | 13-09-2007       |
|  |   |                  | KR | 20070012389 A           |  | 25-01-2007       |
|  |   |                  | US | 2007142446 A1           |  | 21-06-2007       |
| -----                                  |   |                  |    |                         |  |                  |
| WO 0236590                             | A | 10-05-2002       | AT | 318810 T                |  | 15-03-2006       |
|  |   |                  | AU | 1366802 A               |  | 15-05-2002       |
|  |   |                  | CA | 2427394 A1              |  | 10-05-2002       |
|  |   |                  | EP | 1339710 A1              |  | 03-09-2003       |
|  |   |                  | JP | 2004517822 T            |  | 17-06-2004       |
|  |   |                  | US | 2004034073 A1           |  | 19-02-2004       |
| -----                                  |   |                  |    |                         |  |                  |
| WO 2007023143                          | A | 01-03-2007       | AR | 055384 A1               |  | 22-08-2007       |
| -----                                  |   |                  |    |                         |  |                  |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
  
see form PCT/ISA/220

|                          |   |
|--------------------------|---|
| Bericht d.d.<br>aan:     | PBO   |
|                          | 22 APR 2008   |
| Adm. opgenomen           | PBO   |
| Beantw. d.d.<br>Afleggen | <del>WRITTEN OPINION OF THE<br/>INTERNATIONAL SEARCHING AUTHORITY</del> |

PCT

TK

## ~~WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY~~

(PCT Rule 43bis.1)

Date of mailing.  
(day/month/year) see form PCT/ISA/210 (second sheet)

|   |  |  |
|---|--|--|
| Applicant's or agent's file reference<br>see form PCT/ISA/220   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below       |  |
| International application No.<br>PCT/EP2008/052141  | International filing date (day/month/year)<br>21.02.2008 | Priority date (day/month/year)<br>22.02.2007 |
| International Patent Classification (IPC) or both national classification and IPC<br>INV. C07D413/04 C07D417/04 A61K31/425 A61K31/433 A61K31/4245 A61P29/00 |  |  |
| Applicant<br>N.V. ORGANON   |  |  |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|  |  |  |
|--|--|--|
| Name and mailing address of the ISA:<br><br><br>European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Date of completion of<br>this opinion<br><br>see form<br>PCT/ISA/210 | Authorized Officer<br><br>Bakboord, Joan<br>Telephone No. +49 89 2399-2168 |
|--|--|--|



**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of:  
 the international application in the language in which it was filed  
 a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2.  This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 on paper  
 in electronic form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in electronic form.  
 furnished subsequently to this Authority for the purposes of search.
4.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

- the entire international application
- claims Nos. 11

because:

- the said international application, or the said claims Nos. 11 relate to the following subject matter which does not require an international search (*specify*):  
**see separate sheet**
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):
- no international search report has been established for the whole application or for said claims Nos.
- a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
  - furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
  - furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
  - pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).
- a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.
- the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- See Supplemental Box for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2008/052141

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

1. Statement

|                               |             |             |
|-------------------------------|-------------|-------------|
| Novelty (N)                   | Yes: Claims | <u>1-11</u> |
|                               | No: Claims  |             |
| Inventive step (IS)           | Yes: Claims |             |
|                               | No: Claims  | <u>1-11</u> |
| Industrial applicability (IA) | Yes: Claims | <u>1-11</u> |
|                               | No: Claims  |             |

2. Citations and explanations

see separate sheet

**Box No. VI Certain documents cited**

1. Certain published documents (Rules 43bis.1 and 70.10)  
and / or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

**III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

Claim 11 relates to subject matter considered by this Authority to be covered by the provision of Rule 39.1(iv)/67.1(iv) PCT.

**V Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

V.1 The present invention relates to indol-3-yl heterocycle derivatives which modulate the cannabinoid receptor.

V.2 Claim 11 relates to subject matter considered by the Authority to be covered by the provision of Rule 39.1(iv)/67.1(iv) PCT. The patentability can be dependent upon the formulation of the claims. The EPO, for example, does not recognise as patentable claims to the use of a compound in medical treatment, but may allow claims to a product, in particular substances or compositions for in first or further medical treatment.

V.3 Reference is made to the following documents:

D1: WO 2005/089754 A, cited in the application

D2: WO 02/36590 A, cited in the application

D3: WO 2007/023143 A (AKZO NOBEL NV [NL]; RATCLIFFE PAUL DAVID [GB]; ADAM-WORRALL JULIA [GB]) 1 March 2007 (2007-03-01)

Document D3 was published after the priority date. In the presumption the priority is valid this document is not regarded as prior art.

V.4 Novelty

Document D1 discloses indole derivatives differing from the compounds of the present application in that the (homo)piperazinyl group is a pyrrolidinyl group. The compounds are agonists of the cannabinoid receptor.

Document D2 discloses indole derivatives differing from the compounds of the

present application in that the (homo)piperazinyl group is a heteroaryl group and the substituent at the N-atom of the indole ring is a benzyl group.

It is noted that document D3 discloses indole derivatives differing from the compounds of the present application in that the (homo)piperazinyl group is not exemplified. The compounds are agonists of the cannabinoid receptor.

A compound of formula I is disclosed in none of the documents. Claims 1-7 therefore fulfill the requirements of Art 33(2) PCT.

Claim 8 describes a compound of formula I for use in therapy and is novel by consequence.

Claim 9 describes a pharmaceutical composition comprising a compound of formula I and is novel by consequence.

Claim 10 describes the use of a compound of formula I in the preparation of a medicament and is novel by consequence.

Claim 11 describes a method of treatment of pain by administering a compound of formula I and is novel by consequence.

#### V.5 Inventive step

Starting from document D1 the problem to be solved by the present application may be regarded as how to provide novel possibly improved indole derivatives to be used as cannabinoid agonists. The solution of the applicant seems to reside in replacing the pyrrolidine ring of the compounds of document D1 by a (homo)piperazinyl ring. For a person skilled in the art it does not seem surprising that this small structural change still leads to compounds, which can be used as cannabinoid agonists. In the absence of any data which show in how far the compounds of the present application are an improvement over the compounds of document D1, no inventive step can be acknowledged (Art 33(3) PCT).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2008/052141

**VI Certain documents cited**

WO 2007/023143 A

## Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

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|   |  |
|---|--|
| General information                                       | For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.  |
| Amending claims under Art. 19 PCT                         | Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.  |
| Filing a demand for international preliminary examination | In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).<br><br>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT). |
| Filing informal comments                                  | After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.   |
| End of the international phase                            | At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).  |
| Relevant PCT Rules and more information                   | Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003   |